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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,403	08/14/2001	Konstantinos Poulakis	42014	8307

7590

04-08/2005

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EXAMINER

EASHOO, MARK

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/913,403

Applicant(s)

POULAKIS, KONSTANTINOS

Examiner

Mark Eashoo, Ph.D.

Art Unit

1732

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 28 March 2005. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 10-28.

Claim(s) withdrawn from consideration: n/a.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☒ Other: see attachment.

Mark Eashoo, Ph.D.
Primary Examiner
Art Unit: 1732

ME
5/7/2005

Claim Rejections - 35 USC § 103

Applicant's amendments to claim 18 appears to have only have substantially corrected issues directed to formal matters. Therefore, claims 10-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chesley et al. (US Pat. 6,579,162) in view of Tamura et al. (US Pat. 5,281,373), as set forth in the Final Office action.

Response to Arguments

Applicant's arguments filed 28-MAR-2005 have been fully considered but they are not persuasive, because:

1. Applicant's argument that Chesley et al. applies a liquid whereas the instant pre-polymer is flowable but not liquid is not persuasive because the physical state of the instant pre-polymer is not claimed. Furthermore, the pre-polymer of Tamura et al. is supplied to a forming station comprising a textured mold roll which would suggest a reasonable chance of success to a person of ordinary skill in the art that the same pre-polymer could be applied to the mold roll of Chesley et al.

2. Applicant's argument that Chesley et al. is primarily directed to the use of thermoplastic resins is incorrect. Applicant's argument neglects the direct teaching of Chesley et al. wherein a flowable thermosetting resin, which is cured/cross-linked by radiation, is applied to the mold roll (8:47-9:13).

Applicant further alleges that Chesley et al. cools the mold to solidify the thermoplastic whereas the instant invention directs radiation from the outer material surface toward the mold. Again this is not persuasive because applicant is not comparing the appropriate teachings of Chesley et al. nor is the direction of the applied radiation instantly claimed.

3. Applicant alleges that pre-polymers of Tamura et al. are not suitable for forming fastener parts. This argument is not persuasive because applicant compares the final products of the references while ignoring the fact that Chesley et al. teaches that the suitable thermosetting resins include acrylate

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resins, epoxy resins, and urethane resins (9:10-13), which are the types of resins as the pre-polymers of Tamura et al. , especially the acrylate resins (5:15-40) which would cure/polymerize in a similar manner.

4. Applicant further alleges that Tamura et al. does not disclose pre-polymers or radiation cross-linkable pre-polymers. This is not persuasive because Tamura et al. specifically states "a photopolymerizable prepolymer" (5:15-40).

5. Applicant alleges that Tamura et al. is unrelated to the method of Chesley et al. by noting that the products of the references are different. However, applicant fails to recognize that it is well established that references are also considered analogous art if they are concerned with a similar technical problem or in other words reasonable pertinent to the problem at hand. In this instance, the problem at hand deals with radiation curing of materials on a mold roll of which both references contain pertinent teachings.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo, Ph.D. whose telephone number is (571) 272-1197. The examiner can normally be reached on 7am-3pm EST, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianne can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Eashoo, Ph.D.
Primary Examiner
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April 7, 2005
me

07/Apr/05